

appearing on the improperly prepared pieces. (For purposes of this section, the mailer is the party who presents the mailing to the Postal Service.)

7. **Corrective Action.** Contact the mailer in person or by telephone within 30 minutes of the detection of the errors and give the mailer two options: 1) reclaim the mailing and reenvelope the mailpieces; or 2) reclaim the mailing and apply a properly prepared and legible ".00" meter impression with the correct date. The mailer may reclaim only one segment of the mailing (such as all the pieces from one client, if the mailing is presented by a presort bureau), if it is demonstrated, to the satisfaction of the Postal Service, that such action will remove all the pieces with improperly prepared or illegible meter impressions or incorrect dates in the meter postmarks. If removal of some mailpieces will result in remaining portions of the mailing no longer satisfying other applicable volume or presort requirements, additional postage must be paid to represent the difference between the amount originally affixed and the amount now due at the rate for which the pieces qualify.

8. **Resubmitted Carrier Route First-Class, Presorted First-Class, Nonpresorted ZIP+4, ZIP+4 Presort, or ZIP+4 Barcoded Rate Mailings.** If a mailer elects to correct the presort or preparation problems in a mailing which had resulted in its disqualification when originally presented for acceptance, but is unable to resubmit that mailing on the same day, the data shown in the meter or mailer's precancel postmark must be corrected by reenvolving or applying a legible ".00" meter impression which includes the correct date of mailing.

Accordingly, the Postal Service adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal service

PART 111—[AMENDED]

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3901–3911, 3201–3219, 3403–3406, 3621, 5001.

PART 140—POSTAGE

2. In 144.47 revise 144.471 and add 144.476 to read as follows:

§ 144.47 Date of Mailing

144.471

The date shown in a meter postmark must be the actual date of deposit, except when the mailpiece is deposited after the last scheduled collection of the day; or as provided by 144.54 or 374.22. When deposit is made after the last scheduled collection of the day, mailers are encouraged but not required to use the date of the next scheduled collection.

144.476

A ".00" postage meter impression used to correct the date of metered mail must be placed (for letter-size mail) on either the nonaddress side in the upper right hand corner or on the address side in the lower left corner. On flats or parcels, it must be placed adjacent to the postage meter stamp. The date of the ".00" impression must be the actual date of deposit.

3. In 144.5, revise 144.534 and 144.54 to read as follows:

144.534 Examination.

Metered mail must be examined for accurate dating using the procedures in Handbook DM-102, *Bulk Mail Acceptance*, 432.

144.54 Mailing Irregularities.

Metered mail will be examined by the Postal Service to detect irregularities in preparation and dating. In this regard, postal personnel will follow the procedures in Handbook DM 102, *Bulk Mail Acceptance*, 432. Errors will not include any pieces which are legibly postmarked the previous date if they were deposited in a collection box after the last collection (see 144.471), or were not collected by the Postal Service as scheduled on the date appearing in the meter postmark.

4. In 144.6 revise 144.61g to read as follows:

144.61 Quarterly Verification.

g. Examine metered mail being sampled for improper mailing practices, such as incorrect or illegible postmarks and other metered mail preparation deficiencies. Follow the procedures in Handbook DM-102, *Bulk Mail Acceptance*, 432, if errors are detected.

5. In 374.2, revise 374.22 to read as follows:

374.22 Correction of Dates on Resubmitted Metered and Mailer's Precancel Postmark Mailpieces.

If a mailer elects to correct the presort or preparation problems in a mailing

which had resulted in its disqualification when originally presented for acceptance, but is unable to resubmit that mailing on the same day, the date shown in the meter or mailer's precancel postmark must be corrected by reenvolving or applying a legible ".00" meter impression which includes the correct date of mailing.

A transmittal letter making the changes in the pages of the Domestic Mail Manual will be published and transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the Federal Register as provided by 39 CFR 111.3.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 90-2076 Filed 1-29-90; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42092B; FRL 3662-3]

RIN 2070-AB07

Alkyl Phthalates Technical Amendment; Consent Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document amends the list in 40 CFR 799.5000 concerning a consent order for testing alkyl phthalates and establishes a new § 799.5025 for mixtures subject to consent orders. This action is necessary to remove an incorrect description of one of the test mixtures, di(heptyl, nonyl, undecyl) phthalate (mixed isomers) and its associated Chemical Abstract Service (CAS) Registry Number, and add the correct description of the commercial mixture to be tested. This also affects export notification under section 12(b) of the Toxic Substances Control Act (TSCA) for these mixtures.

EFFECTIVE DATE: January 30, 1990.

FOR FURTHER INFORMATION CONTACT: John E. Schaeffer, Jr., Existing Chemical Assessment Division (TS-788), Office of Toxic Substances, Environmental Protection Agency, Rm. 100, NE Mall, 401 M St., SW., Washington, DC 20460, (202) 475-8127.

SUPPLEMENTARY INFORMATION: In accordance with section 4(a) of TSCA, an enforceable Consent Order was

established for certain alkyl phthalates as described in the Federal Register published January 9, 1989 (54 FR 618), and 40 CFR 799.5000 was amended to add the chemicals to the list of consent orders.

One of these alkyl phthalates, di(heptyl, nonyl, undecyl) phthalate (D711P), is wrongly described as di(heptyl, nonyl, undecyl) phthalate (mixed isomers) CAS Number 68515-42-4. This incorrect description encompasses phthalate esters containing all alcohols in the 7 to 11 carbon range, including those of even numbered carbons. In fact, the test substance that the parties agreed to utilize is a mixture of phthalates compounded from mixtures of alcohols specifically of 7, 9, and 11 carbon chain lengths. This rule removes the incorrect description of D711P from § 799.5000 and adds a new section that contains the correct description of the commercial D711P required to be tested. A similar change has been made to the Consent Order on the request of the persons subject to the Order. The correct description encompasses a mixture of six test substances.

Section 799.5000 was established to be a list of chemical substances and mixtures subject to TSCA section 4 consent orders. However, it is structured to include only substances and mixtures that have CAS Registry Numbers. Because the mixture that is the subject of this notice does not have a CAS

Number, EPA is establishing a new § 799.5025 for mixtures subject to section 4 consent orders that do not have CAS Numbers.

Any mixture included in this new section, in addition to those substances and mixtures listed in § 799.5000, is subject to TSCA section 12(b) export notification requirements. Thus any person who intends to export a mixture identified in § 799.5025 must comply with 40 CFR part 707. For the mixture which now appears in § 799.5025, the export notification requirements apply only to persons who intend to export the designated mixture of six substances, regardless of the proportions of the six substances in the mixture. However, the export notification requirements do not apply (1) to persons who intend to export other mixtures that contain some, but not all, of the identified constituents of the designated mixture, (2) to persons who intend to export a mixture of the six substances and other constituent substances, and (3) to persons who intend to export any of the individual constituents that make up the designated mixture, unless those other mixtures or the individual substances are listed separately, in § 799.5000 or § 799.5025, or are already subject to section 12(b) because of other actions EPA has taken under TSCA.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export,
Environmental protection, Hazardous

substances, Recordkeeping and reporting requirements, Test procedures.

Dated: January 21, 1990.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625

2. Section 799.5000 is amended by removing Di(heptyl, nonyl, undecyl) phthalate (mixed isomers), CAS No. 68515-42-4; and by changing the title to read as follows:

§ 799.5000 Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.

3. By adding a new § 799.5025 to read as follows:

§ 799.5025 Testing consent orders for mixtures without Chemical Abstracts Service Registry Numbers.

This section sets forth a list of mixtures (with no Chemical Abstracts Service Registry Numbers) which are the subject of testing consent orders adopted under 40 CFR part 790. Listed below are the mixtures which are the subject of these orders and the Federal Register citations providing public notice of such orders.

Mixture/substance (CAS No.)	Required test	FR citation
Di(heptyl, nonyl, undecyl) phthalate (D711P) as a mixture of the following six substances: (1) diheptyl phthalate (branched and linear isomers), CAS No. 68515-44-6 (2) dinonyl phthalate (branched and linear isomers), CAS No. 68515-45-7 (3) di(heptyl, nonyl) phthalate (branched and linear isomers), CAS No. 111381-89-8 (4) diundecyl phthalate (branched and linear isomers), CAS No. 3848-20-2 (5) di(heptyl, undecyl) phthalate (branched and linear isomers), CAS No. 111381-90-8 (6) di(nonyl, undecyl) phthalate (branched and linear isomers), CAS No. 111381-91-0	Environmental effects	January 9, 1989.

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FEDERAL MARITIME COMMISSION

46 CFR Part 550

[Petition No. P5-89, Docket No. 90-03]

Application of Sea-Land Service, Inc.
for Exemption Under Section 35 of the
Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission ("FMC") amends its regulations governing the publishing, filing and posting of tariffs in domestic offshore commerce pursuant to the Shipping Act, 1916. This amendment of part 550 adds a new exemption for carriers providing port-to-port service in the Puerto Rico domestic offshore trade. Such carriers now are permitted to